

APPROPRIATION ORDINANCE

Form CCO-002

Form and Correctness Approved:

By

Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By

DEPT.

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

\$ 882,477,200

Account

Director of Finance

Date

ORDINANCE No. 41,839

R-13

AN ORDINANCE APPROPRIATING FUNDS FOR OPERATION OF THE CITY FOR FISCAL YEAR 2005-2006; DECREASING THE RATE OF REAL PROPERTY TAXES, CREATING AN EXEMPTION FROM AND DEFERRING CERTAIN REAL PROPERTY TAXES, IMPOSING AND INCREASING CERTAIN FEES; AUTHORIZING A SUPPLEMENT TO RETIREES; APPROVING AND APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE RESIDENTIAL PROPERTY OWNERSHIP PROGRAM; REGULATING THE PAYMENT OF MONEY FROM THE CITY TREASURY.

WHEREAS, the City Manager submitted to the Council a proposed annual budget for the City for the fiscal year beginning July 1, 2005 and ending June 30, 2006 which has been amended by the Council, and it is necessary to make appropriations sufficient to fund said budget and to regulate the payment of money from the City treasury; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- The amounts shown herein aggregating, Seven Hundred Twenty-Six Million, Four Hundred One Thousand, Two Hundred Dollars (\$726,401,200) for the Operating Budget, Seventy-Three Million Four Hundred

Seventy-Six Thousand Seven Hundred Dollars (\$73,476,700), for the Water Utility Fund, Twenty-Two Million Two Hundred Eleven Thousand, Four Hundred Dollars (\$22,211,400), for the Wastewater Utility Fund, Seven Million, Three Hundred Ninety Three Thousand Dollars (\$7,393,000) for the Storm Water Utility Fund, Twenty One Million, Two Hundred Eighteen Thousand, Eight Hundred Dollars (\$21,218,800) for the Parking Facilities Fund, Two Million, Seventy-Four Thousand Dollars (\$2,074,000), for the Cemetery Services Fund, Five Million, Nine Hundred Fifty-Nine Thousand, Eight Hundred Dollars (\$5,959,800), for the Emergency Operations Center Fund, One Million, Five Hundred Seventy-Five Thousand Dollars (\$1,575,000), for the Golf Operations Fund, Three Million, Seven Hundred Thirty-Six Thousand, Three Hundred Dollars (\$3,736,300) for the Maritime Center Fund, Five Million, Eighty-One Thousand, Nine Hundred Dollars (\$5,081,900) for the Public Amenities Fund, One Million, Four Hundred Six Thousand Dollars (\$1,406,000) for the Towing and Storage Service Fund, One Million, Twenty-Five Thousand Dollars (\$1,025,000) for the Cruise Ship Terminal Fund, One Million, One Hundred Ninety-Four Thousand, Nine Hundred Dollars (\$1,194,900) for the Tax Increment Financing Fund, Nine Million, Seven Hundred Twenty-Three Thousand, Two Hundred Dollars (\$9,723,200) for the Internal Services Fund, or so much thereof as may be necessary, as set forth in annual budget for the fiscal year July 1, 2005 - June 30, 2006, submitted by the City Manager and as amended by the Council and hereby adopted, are hereby appropriated, subject to the conditions hereinafter set forth in this ordinance, from the revenues of the City from all sources for the fiscal year July 1, 2005 - June 30, 2006, for the use of the several departments and funds established within the City Government, and for the purposes hereinafter set forth in said annual budget for the fiscal year July 1, 2005 - June 30, 2006 as follows:

Legislative	3,610,300
Executive	1,826,100
Department of Law	3,330,500
Constitutional Officers	4,848,100
Finance	18,105,300
Department of Human Resources	3,349,800
Courts and Court Support	8,329,300
Sheriff and Detention	30,776,100

Department of Public Health	5,404,300
Department of Human Services	61,369,800
Department of Public Works	35,831,600
Recreation/Parks & Open Space	13,210,000
Neighborhood Preservation	3,635,500
Education	290,464,600
Department of Libraries	6,959,000
Elections	555,300
Department of Planning	4,869,800
Cultural Facilities, Arts and Entertainment	6,182,600
Non-Departmental Appropriations	22,575,000
Outside Agencies	27,330,300
Department of Police	56,257,900
Department of Fire-Rescue	34,190,600
Virginia Zoological Park	3,439,200
Debt Service	65,520,500
Budget & Management	758,500
Economic Development	2,030,000
Intergovernmental Programs	540,200
Communications & Public Relations	1,418,700
Department of Information Technology	8,869,000
Office to end Homelessness	177,000
Office of Grants Management	205,200
Radio and Electronics	431,100
Total Appropriations - Operating Budget	<u>\$726,401,200</u>

Water Utility Fund	<u>\$73,476,700</u>
Total Appropriations - Water Utility Fund	<u>\$73,476,700</u>
Wastewater Utility Fund	<u>\$22,211,400</u>
Total Appropriation - Wastewater Utility Fund	<u>\$22,211,400</u>
Storm Water Utility Fund	<u>\$7,393,000</u>
Total Appropriations- Storm Water Utility Fund	<u>\$7,393,000</u>
Internal Service Funds	<u>\$9,723,200</u>
Total Appropriations- Internal Services Fund	<u>\$9,723,200</u>

Parking Facilities Fund	
	\$21,218,800
Total Appropriations - Parking Facilities Fund	\$21,218,800
Cemetery Services Fund	\$2,074,000
Total Appropriations - Cemetery Services Fund	\$2,074,000
Emergency Operations Center Fund	\$5,959,800
Total Appropriations - Emergency Operations Center Fund	\$5,959,800
Golf Operations Fund	\$1,575,000
Total Appropriations - Golf Operations Fund	\$1,575,000
Maritime Center Fund	\$3,736,300
Total Appropriations - National Maritime Center Fund	\$3,736,300
Public Amenities Fund	\$5,081,900
Total Appropriations - Public Amenities Fund	\$5,081,900
Cruise Terminal Fund	\$1,025,000
Total Appropriations - Cruise Terminal Fund	\$1,025,000
Tax Increment Financing Fund	\$1,194,900
Total Appropriations - Tax Increment Financing Fund	\$1,194,900
Towing and Storage Services Fund	\$1,406,000
Total Appropriations - Towing and Storage Services Fund	\$1,406,000

Section 2:- Unless otherwise specified by Council, all taxes heretofore levied shall continue from year to year.

Section 3:- The salaries and wages set forth in detail in said annual budget, including the City Manager, as amended, for offices and positions which are

not embraced within said compensation plan are hereby authorized.

The positions, except where the number thereof is not under the control of the Council, set forth in said annual budget, as amended, shall be the maximum number of positions authorized for the various departments, division, bureaus and funds of the City during the fiscal year July 1, 2005 - June 30, 2006 and the number thereof shall not be changed during said fiscal year unless authorized by the Council or City Manager pursuant to the Charter of the City of Norfolk and the City Code.

Changes in personnel occurring during said fiscal year in classifications embraced within the City's compensation plans shall be administered by the City Manager in accordance with the regulations for the administration of the plans.

In the event any personnel authorized in the preceding year's annual budget and appropriations are notified of release due to a reduction in force, reorganizations or work force downsizing or the staffing and organization redesign effort, such positions are hereby authorized to continue in existence until such time as adopted procedures relating to reductions in force or work force downsizing, or the staffing and organizational redesign effort are completed and implemented in accordance with its terms and conditions. The City Manager is hereby authorized to continue all benefits and salaries throughout the period of employment from appropriated funds for the positions aforesaid, notwithstanding that said positions may or may not have been deleted in the departmental budget for the fiscal year 2005-2006.

The Council reserves the right to change at any time during said fiscal year the compensation, including pay supplements for constitutional officers, either before or after a change in basic salary is made by the State Compensation Board, and to abolish any office or position provided for in said annual budget, as amended, except such offices or positions as it may be prohibited by law from abolishing. The City Manager is authorized to make such rearrangements and reorganizations of positions and personnel services funds between the

several departments, including funds named therein, as may best meet the uses and interests of the City.

No person shall acquire any vested interest in any supplement payable under this section beyond those actually paid.

Section 4:- That all payments from the appropriations provided for in this ordinance, including those from balances remaining on June 30, 2005, to the credit of appropriations for works, improvements or other objects which have not been completed or abandoned, except those works, improvements or other objects funded by Federal, State, or other organizational grants which are hereby encumbered, shall be made at such time as the City Manager may direct, unless otherwise specified by the Council. The City Manager is hereby authorized to apply for grants and awards during the fiscal year provided that adequate matching funds are in the budget; all such grants are subject to the appropriation of the Council once awarded. Any associated special project or grant funded positions shall also be approved by the City Manager, subject to ratification by the Council.

Section 5:- That within the several departments, funds and activities, there are hereby appropriated sufficient amounts to cover the operation of all Internal Service Funds, including the Storehouse and Fleet Management. Charges for services assessed against said departments, funds and activities by the Internal Service Funds shall be accumulated in the appropriate internal service fund and expended to cover the operating costs of such funds as provided in the annual budget.

Section 6:- That the various amounts appropriated by this ordinance for the several groups, as set forth in said annual budget, as amended, are to be expended for the purposes designated by said groups, provided, however, that the City Manager or a designee may authorize the transfers between account groups within the same department, fund or activity of the City and a record of such transfers shall be maintained by the Director of Finance and Business Services.

The City Manager is authorized to transfer from any department, fund or activity which has an excess of funds appropriated for its use of the balance of the fiscal year to any department, activity or fund all or any part of such excess, or to cause such transfers to be made; a record of all such transfers shall be maintained by the Director of Finance and Business Services.

The City Manager shall provide to the City Council a mid-year budget update. Such mid-year budget update shall report the projected revenues and expenditures estimates for the entire fiscal year, receipt of unbudgeted revenues and other major changes to the adopted budget.

There is hereby authorized, in accordance with guidelines established by the City Manager, the execution of warrants for the disbursement of any cash in banks credited to the City's Corporate Account to meet any properly authorized and approved payment chargeable to any account of the City.

Section 7:- That subsection (c) of Section 17.1-49 of the Norfolk City Code, 1979, is hereby amended and reordained so as to change certain charges for ambulance services to read as follows:

Sec. 17.1-49. Charges for ambulance services.

(c) Charges.

- (1) The charge for nonemergency or emergency incident response and evaluation or treatment by the department of fire-rescue, with no ambulance transportation provided, shall be seventy-five dollars (\$75.00).
- (2) The charge for nonemergency incident response and ambulance transport by the department of fire-rescue, with BLS services provided to a patient, shall be one hundred eighty-one dollars (\$181.00).
- (3) The charge for emergency incident response and ambulance transport by the

department of fire-rescue, with BLS services provided to a patient, shall be three hundred fifty-five dollars (\$355.00).

- (4) The charge for nonemergency incident response and ambulance transport by the department of fire-rescue, with ALS-1 services provided to a patient, shall be two hundred seventeen dollars (\$217.00).
- (5) The charge for emergency incident response and ambulance transport by the department of fire-rescue, with ALS-1 services provided to a patient, shall be four hundred twenty-five dollars (\$425.00).
- (6) The charge for emergency incident response and ambulance transport by the department of fire-rescue, with ALS-2 services provided to a patient, shall be six hundred thirty dollars (\$630.00).
- (7) The charge for emergency incident response and ambulance transport by the department of fire-rescue, with SCT services provided to a patient, shall be five hundred eighty-eight dollars (\$588.00).
- (8) The charge for ground transport mileage (GTM) on ambulances operated by the department of fire-rescue shall be Eight dollars (\$8.00) per loaded mile which shall be charged in addition to transport charges defined by subsections (2), (3), (4), (5), (6) and (7), above.
- (9) Health care facilities shall be defined as, but not limited to, hospitals, nursing homes, advanced care facilities, psychiatric facilities, out-patient care facilities, minor emergency care centers, physicians offices or any other facility where Virginia licensed or certified health care professionals are routinely

present and provide medical treatment for patients.

- (10) A charge of two hundred dollars (\$200.00), in addition to the ambulance transport and ground mileage charge as defined by [subsections] (2), (3), (4), (5), (6) and (7), above, shall be billed to an originating health care facility (health care facility defined by (9), above) requesting ambulance transport services for a patient when it is determined by the department of fire-rescue that the patient did not have a life threatening or potentially life threatening medical condition.

Section 8:- That Section 24-184 of the Norfolk City Code, 1979 is hereby amended and reordained so as to decrease the tax on all real estate, other than real estate of public service companies, within the city by five cents (\$.05) for every one hundred dollars of the assessed value thereof to read as follows:

- (1) For each and every fiscal year, beginning July 1 and ending June 30 of each such year, unless otherwise changed by the council, there is hereby imposed and levied the following tax on all taxable real estate, other than real estate of public service companies, which is assessed by the state corporation commission, within the city: On all lands, wharves and lots, and the improvements thereon, not exempt from taxation, there shall be a tax of one dollar and thirty-five cents (\$1.35) for every one hundred dollars (\$100.00) of the assessed value.
- (2) For each and every calendar year, beginning January 1 and ending December 31 of each such year, unless otherwise changed by the council, there is hereby imposed and levied the following tax on all taxable real estate of public service companies, which is assessed by the state corporation commission, within the city: On all lands, wharves and lots, and the improvements thereon, not exempt from taxation, there shall be a tax of one dollar and

thirty-five cents (\$1.35) for every one hundred dollars (\$100.00) of the assessed value thereof.

Section 9:- That the title of Division 2 and Sections 24-204, 24-206, 24-207, 24-208, 24-209 and 24-211 of Chapter 24 of the Norfolk City Code, 1979, are hereby amended and reordained so as to provide an exemption from and deferral of certain taxes to read as follows:

DIVISION 2: EXEMPTION FROM OR DEFERRAL OF TAXES FOR
ELDERLY AND DISABLED

Sec. 24-204. General eligibility requirements
for exemption or deferral.

Notwithstanding the provisions of the general real estate tax ordinance, a real estate tax exemption from or deferral of growth of real estate tax liability is hereby provided for qualified property owners, who are not less than sixty-five (65) years of age or permanently and totally disabled and who are eligible according to other terms of this division. Persons qualifying for exemption or deferral under this division may apply for either exemption from or deferral of real estate taxes, but are not entitled to both. Such persons are deemed to be bearing an extraordinary real estate tax burden in relation to their income and financial worth.

Sec. 24-206. Administration.

Exemptions and deferrals under this division shall be administered by the city manager or his/her authorized delegate, herein referred to as the "administrator," according to the general provisions contained in this division. The administrator is hereby authorized and empowered to prescribe, adopt and enforce rules and regulations, including the requirement of answers under oath, as may be reasonably necessary to determine qualifications for exemption or deferral. The administrator may require the production of certified tax returns and appraisal reports to establish income or financial worth.

Sec. 24-207. Conditions for grant of exemption or deferral.

Exemption or deferral provided for above shall be granted to persons subject to the following conditions:

- (1) The title to the property for which exemption or deferral is claimed is held, or partially held, on June thirtieth immediately preceding the taxable year by the person or persons claiming exemption or deferral.
- (2) The head of the household occupying the dwelling and owning title, or partial title thereto, is sixty-five (65) years or older or permanently and totally disabled on June thirtieth of the year immediately preceding the taxable year. Such dwelling must be occupied as the sole dwelling of the person or persons claiming exemption.
- (3) The gross combined income of the owner during the year immediately preceding the taxable year shall be determined by the administrator to be an amount not to exceed fifty thousand dollars (\$50,000.00). Gross combined income shall include all income from all sources of the owner and of the owner's relatives living in the dwelling for which exemption or deferral is claimed, provided that the first ten thousand dollars (\$10,000.00) of income of each relative shall not be included in such total or up to ten thousand dollars (\$10,000.00) of income for an owner who is permanently disabled. "Owner" as used herein shall also be construed as "owners."
- (4) The net combined financial worth of the owner as of June thirtieth of the year immediately preceding the taxable year shall be determined by the administrator to be an amount not to exceed two hundred thousand dollars (\$200,000.00). Net

combined financial worth shall include the value of all assets, including equitable interests of the owner and the owner's relatives living in the dwelling for which exemption or deferral is claimed, excluding the fair market value of the dwelling and the land, not exceeding one acre, upon which it is situated and for which exemption or deferral is claimed.

Sec. 24-208. Annual affidavit required.

Annually, not prior to the first day of February nor later than the first day of May of the taxable year, the person or persons claiming an exemption or deferral must file a real estate tax exemption affidavit with the administrator. Such affidavit shall set forth, in a manner prescribed by the administrator, the location, assessed value of the property and the names of the related persons occupying the dwelling for which exemption or deferral is claimed, their gross combined income, and their net financial worth.

Sec. 24-209. Schedule of exemption.

Where the person or persons claiming exemption conforms to the standards and does not exceed the limitations contained in this division, the tax exemption shall be as shown on the following schedule:

Combined Income			% Tax Relieved
0	-	19,228	100%
19,229	-	22,647	90%
22,648	-	26,066	80%
26,067	-	29,485	70%

29,486	-	32,904	60%
32,905	-	36,323	50%
36,324	-	39,742	40%
39,743	-	43,161	30%
43,162	-	46,580	20%
46,581	-	50,000	10%

Sec. 24-211. Penalty for false statements.

Any person or persons who shall falsely claim an exemption or deferral or shall falsely give information on which an exemption or deferral is based shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or confinement in jail not exceeding twelve (12) months, or both such fine and imprisonment.

Section 3:- That a new Section numbered 24-209.1 is hereby added to the Norfolk City Code, 1979, so as to provide the requirements for tax deferral to read as follows:

Sec. 24-209.1 Deferral; taxes to be a lien on the property.

In the event of a deferral of real estate taxes, the accumulated amount of taxes deferred shall be paid to the city by the vendor upon the sale of the dwelling, or from the estate of the decedent within one year after the death of the last owner thereof who qualifies for tax deferral by the provisions of this section. Such deferred real estate taxes shall be paid without penalty, except that interest shall be assessed at five percent (5%) per annum on any amount so deferred, and such taxes and interest shall constitute a lien upon the real estate as if it had been assessed without regard to the deferral permitted by this section. Any such lien shall, to the extent that it exceeds in the aggregate ten percent (10%) of the price for which such real estate may be sold, be inferior to all other liens of record.

Section 11:- That Section 29-69.1 of the Norfolk City code, 1979, is hereby amended and reordained to rename the section "Obstructing or altering normal traffic or pedestrian movement requires permit; Street/lane or sidewalk closure requires permit," and to specify the fees for street/lane and sidewalk closure permits. Said section named, numbered and reading as follows:

Sec. 29-69.1 Obstructing or altering normal traffic or pedestrian movement requires permit; Street/lane or sidewalk closure requires permit.

- (a) It shall be unlawful for any person to obstruct or alter the normal pattern of traffic or pedestrian movement in or along any of the streets or sidewalks of the city by the placement of any dumpster, barrier or traffic control device without first obtaining a permit from the director of public works.
- (b) Whenever it is necessary to issue a permit to allow normal traffic or pedestrian movement in or along a city street/lane or sidewalk to be temporarily obstructed or altered, a fee shall be charged for each such permit in accordance with the following schedule:

Street/lane closure; Arterials & Collectors	1 - 15 days	\$50.00
Street/lane closure; Arterials & Collectors	16 - 30 days	\$100.00
Street/lane closure; Arterials & Collectors	Over 30 days	\$100.00 plus \$10.00 per day over 30 days.
Street/Lane Closure; Residential Streets	1 - 30 days	\$50.00
Street/Lane Closure; Residential Streets	Over 30 days	\$50.00 for the first thirty days plus \$5.00 per day over 30 days.
Sidewalk Closure	1 - 30 days	\$50.00 and \$50.00 each 30-day period thereafter, beginning on the 31 st day.
Dumpster in Right of Way	1 - 15 days	\$50.00
Dumpster in Right of Way	16 - 30 days	\$100.00

Dumpster in Right of Way	Over 30 days	\$100.00 for the first thirty days plus \$10.00 per day over 30 days.
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The fee shall be collected by the department of public works. The permit fee shall not be applicable when the normal traffic and pedestrian movement is altered or obstructed as a result of any work performed by or in behalf of the city or the state. The director of public works must be notified within 24 hours when the street, lane or sidewalk has been reopened. An administrative fee of twenty-five dollars (\$25.00) will be added to the required permit fee for failure to comply with this subsection (b).

- (c) All barriers and traffic control devices shall comply with the requirements set forth in the Manual On Uniform Traffic control Devices for Streets and Highways, published by the United States Department of Transportation and the Virginia Work Area Protection Manual Standards and Guidelines, published by the Virginia Department of Transportation.

Section 12:- That subsection (2) and (4) of Section 37-81 of the Norfolk City Code, 1979, are hereby amended and reordained and subsection (5) is hereby added so as to address and authorize a supplement to retirees to read as follows:

Section 37-81. Post-retirement supplements.

In addition to the pension otherwise payable under this Chapter, post-retirement supplements shall be payable as stated below:

- (2) Beginning on July 1, 2003, in addition to the supplements provided above, an additional supplement of one percent (1%) shall be payable by the system to those retirees and their beneficiaries who were receiving city retirement payments as of December 31, 2001. The additional supplement shall be calculated by multiplying one percent (1%) by the

recipient's total benefit (base pension plus previous supplements, plus monthly adjustment). The right to receive this additional supplement shall hereby vest in the eligible recipients and their beneficiaries. Notwithstanding any provision to the contrary, the additional supplement shall be subject to the same terms and conditions as for the payment of the pension.

- (4) Beginning on July 1, 2004 in addition to the supplements provided above, an additional supplement of one percent (1%) shall be payable by the system to those retirees and their beneficiaries who are receiving city retirement payments as of June 30, 2003. The additional supplement shall be calculated by multiplying one percent (1%) by the recipient's total benefit (base pension plus previous supplements, plus monthly adjustment). The right to receive this additional supplement shall hereby vest in the eligible recipients and their beneficiaries. Notwithstanding any provision to the contrary, the additional supplement shall be subject to the same terms and conditions as for the payment of the pension.
- (5) Beginning on July 1, 2005 in addition to the supplements provided above, an additional supplement of one percent (1%) shall be payable by the system to those retirees and their beneficiaries who are receiving city retirement payments as of June 30, 2004. The additional supplement shall be calculated by multiplying one percent (1%) by the recipient's total benefit (base pension plus previous supplements, plus monthly adjustment). The right to receive this additional supplement shall hereby vest in the eligible recipients and their beneficiaries. Notwithstanding any provision to the contrary, the additional supplement shall be subject to the same terms and conditions as for the payment of the pension.

Section 13:- That Section 41-21 of the Norfolk City Code, 1979, is hereby amended and reordained so as to change the certain fees for collection and disposal of refuse to read as follows:

Sec. 41-21. Fees for the collection and disposal of refuse.

The following maximum fees are hereby established for the collection and disposal of refuse (garbage and bulky waste) by city forces:

- (a) One hundred sixty-three dollars and forty-seven cents (\$163.47) per year for each single-family dwelling unit or dwelling units in multiple residences not exceeding four (4) families or dwelling units.
- (b) Seven hundred thirty-eight dollars and ninety-seven cents (\$738.97) per year for business units, including retail, wholesale and commercial units, receiving collection service three (3) days per week.
- (c) Two hundred ninety-eight dollars and sixteen cents (\$298.16) per year for each business unit including retail, wholesale and commercial units receiving once weekly refuse collection service from the city.
- (d) If business and family units are combined on a single property, the charge shall be two hundred ninety-eight dollars and sixteen cents (\$298.16) per year for each business unit plus one hundred sixty-three dollars and forty-seven cents (\$163.47) for each dwelling unit.
- (e) Two hundred twenty-eight dollars and seventy-six cents (\$228.76) per year for each container serving multiple residences exceeding four (4) families.
- (f) Additional containers, up to the maximum permissible, will be supplied for each dwelling or business unit at the following fee:

90-gallon: Sixty dollars (\$60.00) per additional container per year.
65-gallon: Forty-two dollars (\$42.00) per additional container per year.
30-gallon: Forty-two dollars (\$42.00) per additional container per year.

- (g) Any changes in fees shall take effect on the first day of the billing cycle following the change.

All payments for this service shall be the responsibility of the person(s) listed as responsible for payment of the public service bill for that address. This fee shall be paid monthly and shall be placed on the bill for water service. If the moneys received in payment of the water bill and the solid waste collection fee are not sufficient to pay both in full including any penalties or interest, the water bill and any penalties or interest attributed thereto shall be paid first out of the moneys available. The fee may be prorated for less than a full year's services. Refunds will not be provided for vacant units and for services not utilized. Written notification must be made to the superintendent of waste management with a copy of the applicable service agreement prior to discontinuing city solid waste collection services and commencing with contracted services. Solid waste collection services must be provided by either the city or a private collector.

Section 14:- That the Residential Property Ownership Program (RPOP) is hereby approved and \$500,000 is hereby appropriated and authorized for expenditure for the program as herein set forth:

1. That the Council hereby provides that the following words and phrases shall, for the purposes of this ordinance, have the following respective meanings, except where the context clearly indicates a different meaning:

- (a) Applicant. Any natural person who applies for a grant under this ordinance.

(b) Dwelling. The building, or portion of a building, which is owned, at least in part, by an applicant, which is the sole residence of the applicant and which is a part of the real estate for which a grant is sought pursuant to this division.

(c) Grant. A grant in aid of improvement of the dwelling or payment of taxes owed for the year as provided under this ordinance.

(d) Net combined financial worth of applicant. The value of all assets of the applicant, of the applicant's spouse, of any relative of the applicant who resides in the dwelling, and of any other person who is an owner of and resides in the applicant's dwelling, calculated as of December 31 of the calendar year immediately preceding the taxable year; provided, that the value of the applicant's dwelling, of household furnishings in the dwelling, of up to one acre of the land on which the dwelling is situated, shall be excluded.

(e) Spouse. The husband or wife of any applicant who resides in the applicant's dwelling.

(f) Taxes owed for the year. The amount of real estate taxes levied on the dwelling of the applicant for the taxable year.

(g) Taxable year. The current calendar tax year for which a grant is applied.

(h) Household income of applicant. The adjusted gross income, as shown on the federal income tax return as of December 31 of the calendar year immediately preceding the taxable year, of the applicant, of the applicant's spouse, of any relative of the applicant who resides in the dwelling, and of any other person who is an owner of and resides in the applicant's dwelling. The city manager shall promulgate regulations for the determination of the income of such persons for whom no federal income tax return is required to be filed.

2. That there is hereby provided to any natural person, at such person's election, a grant for affordable homeownership preservation in aid of improvement of the dwelling or payment of the taxes owed for the taxable year on real property in the city which is owned, in whole or in part, and is occupied by such person as his or her sole dwelling. The grant provided for in this section shall be subject to the restrictions, limitations and conditions prescribed by this ordinance.

3. That a grant under this division in any taxable year shall be subject to the following restrictions and conditions:

(a) The household income of the applicant shall not exceed Fifty Thousand Dollars (\$50,000).

(b) The assessed value of the real estate owned by the applicant shall not exceed one hundred seventy-five Thousand Dollars (\$175,000) and the 2005 assessment shall be at least 10% greater than the 2004 assessment.

(c) The net combined financial worth of an applicant shall not exceed two hundred thousand dollars (\$200,000).

(d) The applicant and/or the applicant's spouse shall own at least 50 percent interest in the real estate at the time of the application.

(e) The applicant must have occupied the residence for three consecutive years and, as of January 1 of the taxable year, the applicant must occupy the real estate for which the grant is sought as his or her sole residence and must be expected to so occupy the real estate throughout the year; provided, that an applicant who is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care shall be deemed to meet this condition so long as the real estate is not being used by or leased to another for consideration.

(f) An applicant shall file the affidavit or written statement required by section five (5) below.

(g) An applicant for a grant provided under this division shall not participate in the real estate tax exemption or deferral program for the elderly or permanently and totally disabled and no grant shall be applied to real estate taxes on property subject to such exemption or deferral program.

(h) An applicant for a grant provided under this division shall not be delinquent on any portion of the real estate taxes to which the grant is to be applied.

4. That the grant program provided under this ordinance shall be administered by the city manager or his/her authorized delegate, herein referred to as the "administrator," according to the general provisions contained in this ordinance. The administrator is hereby authorized and empowered to prescribe, adopt and enforce rules and regulations, including the requirement of answers under oath, as may be reasonably necessary to determine eligibility for a grant. The administrator may require the production of certified tax returns, appraisal reports, or any other certifiable documentation to establish income, status of any person claimed as a dependent, or financial worth.

5. That the procedure for application for a grant is as follows:

(a) Commencing with taxable year 2005, and not later than September 1 of the taxable year, any applicant for a grant under this ordinance shall file with the city manager, in such manner as the manager shall prescribe and on forms to be supplied by the city, an affidavit or written statement providing the following:

(1) the name of the applicant;

(2) the address of the real estate for which the grant is to be applied against the tax liability;

(3) the names of all persons who reside in the applicant's dwelling;

(4) the household income of the applicant as defined in section one (1) above;

(5) the net combined financial worth of the applicant as defined in section one (1) above;

(6) such additional information as the city manager reasonably determines to be necessary to determine eligibility for a grant pursuant to this division.

(b) If the City Manager or administrator of the grant program determines that the applicant is eligible for a grant, the manager or administrator shall so certify and implement the grant.

6. That the amount of each grant under this division shall be one hundred fifty dollars (\$150). The amount appropriated for this residential property ownership program is \$500,000 and is hereby authorized to be expended. Grants shall be made on a first come first served basis so long as funds appropriated are available.

7. That changes in household income, ownership of property, or other factors occurring after the application deadline but before the end of the taxable year for which an affidavit has been filed shall not affect a grant which has been made.

8. That any person willfully making a false statement in applying for a grant under this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) for each offense.

9. That no grant pursuant to this ordinance shall be permitted for any period after June 30, 2006.

Section 15:- That the provisions of this ordinance are hereby declared to be severable. If any part, section, provision, sentence, clause or phrase, or the application thereof to any person or circumstance, is adjudged to be unconstitutional or invalid for any reason, the remainder of the ordinance shall remain in full force and effect and its validity shall not be impaired, it being the legislative intent now hereby declared that the ordinance would have been adopted even if such invalid matter had not been included or if such invalid application had not been made.

Section 16:- That this ordinance shall be in effect from and after July 1, 2005.

Adopted by Council May 17, 2005

Effective July 1, 2005

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CAPITAL IMPROVEMENT PROGRAM ORDINANCE

Form CCO-002	
Form and Correctness Approved: By <u>Nathaniel Saman</u> Office of the City Attorney	Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose. \$ <u>170,200,722</u> CP Various Funds Account Date <u>5/16/05</u>
NORFOLK, VIRGINIA	
Contents Approved: By <u>[Signature]</u> DEPT.	Director of Finance
ORDINANCE No. 41,840	
R-14	AN ORDINANCE APPROVING THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR THE FISCAL YEAR 2005-2006; APPROPRIATING \$170,200,722 FOR CERTAIN PROJECTS APPROVED THEREIN; AUTHORIZING AN ISSUE OF BONDS IN THE AMOUNT OF \$137,825,722 AND THE EXPENDITURE OF \$32,375,000 IN CASH THEREFOR; AND AUTHORIZING THE UNDERTAKING OF CERTAIN APPROVED PROJECTS.

WHEREAS, the City Manager on April 26, 2005, submitted to the City Council a Capital Improvement Program Budget for the City for the fiscal year beginning July 1, 2005, and ending on June 30, 2006; and

WHEREAS, it is necessary to appropriate sufficient funds to cover the approved capital projects set forth in the Capital Improvement Program Budget and to authorize said projects; now therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the capital projects set forth below in the Capital Improvement Program for the fiscal year July 1, 2005 to June 30, 2006, submitted by the City Manager under date of April 26, 2005, are hereby approved and the amounts herein set forth aggregating

\$170,200,722 or so much thereof as may be necessary, as set forth in the Capital Improvement Program Budget for the fiscal year July 1, 2005 to June 30, 2006, are hereby appropriated for the purposes hereinafter set out in the following sub-paragraphs:

A. General Capital Improvement Projects Fund

1.	Construct Public Middle School-Blair	\$ 3,434,000
2.	Improve Middle School Technology	265,000
3.	Replace Coleman Place Elementary School	11,236,250
4.	Replace Crossroads Elementary School	505,000
5.	Develop Transportation Planning Study	95,000
6.	Enhance Signals And Intersections	909,000
7.	Improve 43 rd Street Corridor	325,000
8.	Improve 4 th View and Ocean View Corridor	606,000
9.	Improve Bay Avenue	505,000
10.	Improve Citywide Conduit Network	85,000
11.	Improve Downtown Event Traffic Management	150,000
12.	Improve Underpasses	505,000
13.	Maintain Overhead Sign Structures	50,000
14.	Plan Undergrounding Utility Wires	200,000
15.	Repair and Replace Bridges-Major	707,000
16.	Support VDOT Urban Project	100,000
17.	Acquire Property in East Ocean View	300,000
18.	Acquire Property in Ocean View	1,000,000
19.	Construct Granby Street Connector	250,000
20.	Improve 1 st View Street Infrastructure	195,000

21.	Improve Atlantic City/Fort Norfolk	505,000
22.	Improve Downtown Corridor Streetscaping	300,000
23.	Improve Hampton Boulevard	1,878,600
24.	Improve Neighborhood Commercial Areas	606,000
25.	Improve South Main Street	4,747,000
26.	Improve Streetscaping-Trader Publishing	1,010,000
27.	Upgrade Tidewater/Sewells Point Infrastructure	934,250
28.	Chrysler Museum Capital Campaign Match	1,010,000
29.	Develop Library Facilities-North Anchor Branch	1,111,000
30.	Enhance Sound System-Harrison Opera House	75,000
31.	Improve Attucks Theater-Marquee	65,000
32.	Improve MacArthur Memorial Buildings	50,000
33.	Improve Scope-Ongoing	125,000
34.	Nauticus Maritime Center-Exhibit Development	505,000
35.	Renovate Chrysler Hall Restrooms	505,000
36.	Renovate Scope-Exhibition Hall	200,000
37.	Repair Chrysler Museum Facade	130,000
38.	Replace Wells Theater Heat Pumps	60,000
39.	Upgrade Scope Arena-Rigging	1,010,000
40.	Acquire Property in Broad Creek	250,000
41.	Acquire Property in Southside	1,000,000
42.	Construct Citywide Soundwalls	2,652,260
43.	Construct Residential Gateways	390,000

44.	Develop SRO Housing in Park Place	500,000
45.	Dredge Pretty Lake	200,000
46.	Establish Titustown Business City Partnership Program	250,000
47.	Fund HOPE VI	1,313,000
48.	Fund Neighborhood Conservation/Revitalization	4,040,000
49.	Implement Broad Creek Neighborhood Plan	1,010,000
50.	Implement Fairmount Park/Lafayette Plan	505,000
51.	Implement GEM Neighborhood Revitalization	1,111,000
52.	Implement Southside Neighborhood Plan	505,000
53.	Implement Titustown Area Rehabilitation Program	300,000
54.	Improve Central Norfolk Neighborhoods	100,000
55.	Improve Citywide Dredging and Waterways	300,000
56.	Improve East Church Street Brewery	250,000
57.	Improve Fairmount Park Infrastructure	707,000
58.	Improve Hague Southwest Promenade	707,000
59.	Improve Neighborhood Streets- Major	1,111,000
60.	Improve Street Lights	265,000
61.	Improve Traffic Circulation on Flowerfield Road	250,000
62.	Mitigate Glenroie Avenue Drainage Area	220,000
63.	Perform Broad Creek Technology Study	200,000
64.	Repair Neighborhood Sts/Sidewalks/Walkways	505,000
65.	Repair and Maintain Bridges-Minor	400,000
66.	Support 2006 Homarama	75,000

67.	Construct Conference Center	3,030,000
68.	Construct Fire Training Tower and Burn Building	268,000
69.	Design and Construct Courthouse Complex	1,010,000
70.	Improve Roof Repair and Moisture Protection	606,000
71.	Relocate Fire-Rescue Assets from Station 3	300,000
72.	Remove Asbestos Material	100,000
73.	Renovate Neighborhood Service Centers	505,000
74.	Renovate Public Works Operational Facilities	656,500
75.	Renovate and Improve General Office Space	505,000
76.	Replace Main Air Compressor-Fleet Maintenance	60,000
77.	Replace Police Precinct	1,767,500
78.	Resurface Parking Lots	100,000
79.	Upgrade Civic Center HVAC Control (DDC)	100,000
80.	Upgrade Civic Center Security	250,000
81.	Upgrade Fire Station Emergency Generators	100,000
82.	Waterside Convention Center	1,010,000
83.	Construct Children's Garden-Botanical Gardens	1,414,000
84.	Construct Lambert's Point Community Center	2,222,000
85.	Develop Zoo Master Plan	1,515,000
86.	Develop Master Plan for Parks & Recreation	150,000
87.	Improve Boat Ramps Citywide	1,136,250
88.	Improve Campostella-Wilson Road	100,000
89.	Improve Community and Neighborhood Parks	300,000
90.	Improve Existing Recreational Centers	300,000

91. Improve Northside Park	200,000
92. Renovate Lake Taylor Soccer Field	190,000
93. Renovate Norfolk Fitness & Wellness Center	673,670
94. Repair Aquatic Facilities at Berkley	50,000
95. Replace Hurricane Isabel Tree Loss	150,000
96. Replace Norview Community Center	1,515,000
97. Acquire Property	2,020,000
98. Acquire Property for Temp. Gen. District Court	3,535,000
99. Control Beach Erosion	1,767,500
100. Fund ADA Master Plan for City Facilities	100,000
101. Fund Brand Expansion & Wayfinding System	100,000
102. Fund Integrated Financial Management System	1,889,104
103. Fund Preliminary Engineering	2,145,038
104. Improve Homeland Security Signal Operations	60,000
105. Plan Therapeutic Recreation Center	75,000
	<u>\$ 87,340,922</u>

B. WATER UTILITY FUND

106. Allocate Cost of Fin. Mgmt System - WF	633,000
107. Comply With Safe Drinking Water Amendment Act	300,000
108. Design & Construct Dams & Spillways	7,300,000
109. Design & Construct 37 th Street Plant	1,000,000
110. Replace or Rehabilitate Distribution Mains	3,625,000
111. Replace or Rehabilitate Raw Water Pipelines	4,000,000

112. Replace or Rehabilitate Transmission Mains	1,125,000
113. Review Automated Meter Reading System	300,000
	<u>\$ 18,283,000</u>
C. <u>WASTEWATER UTILITY FUND</u>	
114. Allocate Cost of Fin. Mgmt System - WW	250,500
115. Fund City SSES Projects, Planning & Testing	500,000
116. Improve Wastewater Collection System	9,000,000
117. Improve Wastewater Pump Station & Force Mains	7,500,000
	<u>\$ 17,250,500</u>
D. <u>MARITIME FACILITIES FUND</u>	
115. Construct Cruise Terminal	26,300,000
	<u>\$ 26,300,000</u>
E. <u>STORM WATER UTILITY FUND</u>	
116. Improve Bulkheads	500,000
117. Improve Storm Water Quality	300,000
118. Improve Storm Water System	650,000
119. Reduce Neighborhood Flooding	550,000
	<u>\$ 2,000,000</u>
E. <u>PARKING FACILITIES FUND</u>	
120. Allocate Cost of Fin. Mgmt System - Parking	126,300
121. Fund New Parking Garage	18,500,000
122. Replace Elevators	400,000
	<u>\$ 19,026,300</u>
Total	<u><u>\$170,200,722</u></u>

Section 2:- That in order to provide the funds heretofore appropriated, cash in the aggregate principal sum of

\$32,375,000, of which \$26,375,000 is under General Capital Improvement Projects Fund, \$600,000, is under Water Utility Fund Projects, \$400,000 is under the Parking Facilities Fund, and \$5,000,000 is under the Maritime Facilities Fund, is hereby authorized to be expended; and bonds of the City of Norfolk in the aggregate principal sum of \$137,825,722, of which \$60,965,722 is under General Capital Improvement Projects, \$2,000,000 is under Storm Water Utility Fund Projects, \$17,683,000 is under Water Utility Fund Projects, \$17,250,500 is under Wastewater Utility Fund Projects, \$18,626,300 is under Parking Facilities Fund, and \$21,300,000 is under the Maritime Facilities Fund, are hereby authorized to be issued from time to time in such form and with such terms as shall be established pursuant to future ordinances.

Section 3:- That the Council reasonably expects to reimburse certain expenditures made from the General Capital Improvement Projects Fund, Wastewater Utility Fund, Storm Water Utility Fund, Water Utility Fund, Parking Facilities Fund, and the Maritime Facilities Fund to interim finance the above-described capital projects with the proceeds of the above-described bonds to be issued by the City.

Section 4:- That this ordinance represents a declaration of "official intent" under Treasury Regulations Section 1.150-2(e).

Section 5:- That the expenditures to be reimbursed will be paid from the following funds, which funds have the following general functional purposes:

(a) General Capital Improvement Projects Fund. Used to account for the financial resources used to finance general capital improvement projects in the Capital Improvement Program other than those financed by the City's enterprise funds or special revenue fund;

(b) Storm Water Utility Fund. Used to account for the City's environmental storm water operations, including accounting for the financial resources used to finance capital projects in the Capital Improvement Program related to the environmental storm water utility;

(c) Water Utility Fund. Used to account for the City's water utility operations, including accounting for the financial resources used to finance capital projects in the Capital Improvement Program related to the water utility;

(d) Wastewater Utility Fund. Used to account for the City's wastewater utility operations, including accounting for the financial resources used to finance capital projects in the Capital Improvement Program related to the wastewater utility;

(e) Parking Facilities Fund. Used to account for the City's parking facility operations, including accounting for the financial resources used to finance capital projects in the Capital Improvement Program related to parking facilities;

(f) Maritime Facilities Fund. Used to account for the City's maritime facility operations, including accounting for the financial resources used to finance capital projects in the Capital Improvement Program related to maritime facilities.

Section 6:- That the appropriate officers or agents of the City are authorized and directed to file a certified copy of this ordinance with the Circuit Court of the City of Norfolk pursuant to Sections 15.2-2607 and 15.2-2627 of the Virginia Code.

Section 7:- That the City Manager, unless otherwise directed by City Council, is hereby authorized to do all things necessary to implement the projects set forth in this Capital Improvement Program Budget.

Section 8:- That this ordinance shall be in effect from and after July 1, 2005.

Adopted by Council May 17, 2005
Effective July 1, 2005

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